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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,508	07/31/2003	Charlie Steinmetz	200209918-1	4386
22879	7590	11/22/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

E/K

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,508	<b>Applicant(s)</b> STEINMETZ ET AL.	
	<b>Examiner</b> Anh T.N. Vo	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-18,22-36,38,40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-18,22-36,38,40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/08/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/08/05 has been entered.

### ***Information Disclosure Statement***

The references cited on PTO 1449 have been considered.

### ***Double patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-17, 22-27, 29-36, 38, and 40-41 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-21 and 29-43 of U.S. Patent No. 6,959,985 (Steinmetz et al.) in view of Barinaga (US Pat. 5,721,576).

Steinmetz et al. disclose in claims 8-21 and 29-43 of U.S. Patent No. 6,959,985 an off axis printing fluid container comprising:

- a leading surface (a front face);
- an alignment pocket (a first recess portion) recessed into a center portion of the leading surface (a front face) (column 22, lines 8-10);
- a latching surface (column 19, line 46);
- a printing fluid container bay (an ink container bay)
- an air interface (column 19, line 30);
- an ink-interface (a printing fluid inter face);
- an electrical interface (column 21, line 20);
- the alignment pocket recesses at least 15 millimeters from the leading surface (column 19, lines 60-63); and
- keying pocket (column 20, line 46).

However, Steinmetz et al. do not disclose the alignment pocket configured to mate with an outwardly-extending alignment member of the printing-fluid container bay so as to guide the printing-fluid container into an operational position; a latching surface configured to be selectively engaged by the latching member of the printing-fluid container bay; and wherein the latching surface and the alignment pocket intersect a horizontally extending plane.

Barinaga discloses in Figures 7-9 an ink supply system for an ink jet printer comprising:

- the alignment pocket (34) configured to mate with an outwardly-extending alignment member (40) of the printing-fluid container bay (132) so as to guide the printing-fluid container (30) into an operational position; and
- a latching surface (118) configured to be selectively engaged by the latching member (144) of the printing-fluid container bay (132), and wherein the latching surface and the alignment pocket intersect a horizontally extending plane (Figure 9).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Barinaga in the Steinmetz et al. ink-container supply station for the purpose of securely engagement between an ink container and an ink supply station to supply ink from the ink container to the station.

### ***CLAIM REJECTIONS***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 15 and 17 are rejected under 35 USC 102 (b) as being anticipated Barinaga (US Pat. 5,721,576).

Barinaga discloses in Figures 7-9 an ink supply system for an ink jet printer comprising:

- a leading surface (32);
- an alignment pocket (34) recessed into a center portion of the leading surface (32), wherein the alignment pocket (34) configured to mate with an outwardly-extending

alignment member (40) of the printing-fluid container bay (132) so as to guide the printing-fluid container (30) into an operational position;

- a latching surface (118) configured to be selectively engaged by the latching member (144) of the printing-fluid container bay (132), and wherein the latching surface and the alignment pocket intersect a horizontally extending plane (Figure 9);
- wherein the latching surface (118) is located on a rim portion of the printing-fluid container.
- the latching surface (118) faces opposite the leading surface (32);
- wherein the alignment (34) pocket recesses substantially normal to the leading surface (32)(Figure 8); and
- wherein the alignment pocket (34) has a substantially rectangular opening (Figure 8).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16, and 18 are rejected under 35 USC 103 (a) as being unpatentable over Barinaga (US Pat. 5,721,576).

Barinaga discloses the basic features of the claims invention were stated above but do not disclose “the alignment pocket includes tapered sidewalls; the alignment pocket recesses at least 15 millimeters from the leading surface; and a depth of the alignment pocket is at least approximately 1.5 times a width of an opening of the alignment pocket”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select changes in the shape and/or the depth of the alignment pocket for the purpose of securely engagement between an ink container and ink supply station since it is a mechanical design

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expedient for an engineer depending upon a particular environment and the applications in which the ink jet cartridge is to be used.

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.



**ANH T.N. VO**  
**PRIMARY EXAMINER**  
November 15, 2005